

## REMARKS

The specification has been amended to notice priority and to recite the current history of this divisional application.

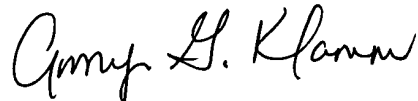
Substitute sheets for pages 72-75 are attached as Appendix A. The present amendment was also made in the prior co-pending application to replace Table 3 with the substitute Table 3 found in Appendix A. This amendment was made in order to include Accession numbers of the bacterial strains deposited with the NRRL pursuant to terms of the Budapest Treaty, and to identify this culture depository pursuant to 37 C.F.R. §1.14 and 35 U.S.C. §122. A highlighted version of the substitute sheets is also attached herewith as Appendix B. No new matter is introduced by this amendment.

Additionally, it is requested that the updated Sequence Listing to be entered into the Specification, replacing the previous Sequence Listing of pages 113-171. A paper copy of the updated Sequence Listing, as well as a computer diskette, and statements as required under 37 C.F.R. §§1.821(f) and (g) are submitted herewith.

With this amendment, there are now 16 claims pending, namely claims 27 and 79-93. The newly added claims find support on pages 12, 26, 69-70, 71-74 of the Specification as well as in Figures 1-3 and Tables 3-6. The present claims encompass proteins of the general class of *Bacillus thuringiensis* delta endotoxins comprised of domains I and II of a native Cry1Ab protein, domain III of a native Cry1F protein, and also having all or a portion of a protoxin segment that is a combination of Cry1F-Cry1A. Applicants point out that SEQ ID NO:14 and SEQ ID NO:26 are representative of this general class of delta endotoxins.

The Commissioner is authorized to charge the filing fee and claims fee to Deposit Account No. 01-2508/11792.0215.DVUS02. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11792.0215.DVUS02.

Respectfully submitted,



Amy G. Klann  
Reg. No. 48,155  
Agent for Assignee  
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Date: September 26, 2003